

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE FILING BY FLOYD)	FINDINGS OF FACT AND
NIGHTINGALE FOR A MASTER METERING)	CONCLUSIONS OF LAW;
VARIANCE REQUEST FOR FIVE APARTMENT)	NOTICE OF ENTRY OF
BUILDINGS IN HURON, SOUTH DAKOTA)	ORDER
)	NG01-004

On March 19, 2001, the Public Utilities Commission (Commission) received a gas master metering variance request from Floyd Nightingale for five apartment buildings located at 333 21st Street S.E., 335 21st Street S.E., 337 21st Street S.E., 339 21st Street S.E., and 341 21st Street S.E., Huron South Dakota. Mr. Nightingale requested to be present at the hearing.

The hearing was held as scheduled on April 18, 2001, beginning at 1:30 o'clock P.M., in Room 412 of the State Capitol Building, 500 E. Capitol, Pierre, South Dakota. The issue at the hearing was whether a master metering variance shall be granted to Mr. Nightingale for the apartment buildings listed above.

At the end of the hearing, Chairman Burg requested additional information from NorthWestern Public Service (NWPS). On May 10, 2001, NWPS provided the information by affidavit.

At its May 22, 2001, meeting, the Commission considered this matter. The Commission voted to deny the master metering variance request.

Based on the evidence of record, the Commission makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. Mr. Nightingale owns five apartment buildings located at 333 21st Street S.E., 335 21st Street S.E., 337 21st Street S.E., 339 21st Street S.E., and 341 21st Street S.E., Huron South Dakota. TR. at 5.
2. Each apartment building has four gas meters and one electric meter. TR. at 35. Each apartment has a gas furnace. TR. at 30. Each apartment building has one gas dryer and two water heaters. *Id.* Currently, Mr. Nightingale pays all of the gas utility bills. TR. at 7.
3. Mr. Nightingale estimated he could save around \$900.00 by master metering the apartment buildings. TR. at 5.
4. Michele Farris, utility analyst for the Commission, recommended that the variance be denied. TR. at 33. She explained that if the apartment buildings were master metered then it would be more difficult for a tenant to pay the utility bill in the event the landlord failed to pay the bill and the tenants were facing disconnection. TR. at 32. She further explained that individual meters promote conservation. TR. at 33.
5. Following the hearing, NWPS responded to some questions raised at the hearing.

NWPS stated that its computerized billing system is unable to provide the ability to do aggregate billing by combining the monthly bills for multiple locations on one monthly bill. Affidavit of Susan Anderson Bachman, ¶ 10. NWPS also stated that its preliminary cost estimate to reconfigure for one gas meter to each four-plex is a total of \$800.00 to \$1000.00 for time and materials. Id. at ¶ 9.

6. The Commission denies Mr. Nightingale's request for a variance. The Commission finds individual meters will promote conservation in the event tenants are required to pay for their gas service in the future. The Commission further finds that individual meters will allow tenants to place the utility service in their names if a landlord failed to pay the gas bills in the future.

CONCLUSIONS OF LAW

1. The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-34A, including 49-34A-27, and ARSD Chapter 20:10:26.
2. The Commission denies Mr. Nightingale's request for a master metering variance.

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that this Order was duly entered on the 30th day of May, 2001. Pursuant to SDCL 1-26-32, this Order will take effect 10 days after the date of receipt or failure to accept delivery of the decision by the parties.

Dated at Pierre, South Dakota, this 30th day of May, 2001.

<p align="center">CERTIFICATE OF SERVICE</p> <p>The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.</p> <p>By: _____</p> <p>Date: _____</p> <p align="center">(OFFICIAL SEAL)</p>

BY ORDER OF THE COMMISSION:

JAMES A. BURG, Chairman

PAM NELSON, Commissioner